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10 Attorneys for Plaintiff/ Counterclaim-
11 Defendants: *WHTIECRYPTION CORPORATION AND*
INTERTRUST TECHNOLOGIES, CORPORATION

12 [ADDITIONAL COUNSEL LISTED IN SIGNATURE
13 BLOCK]

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 WHITECRYPTION CORPORATION,

Case No. 3:15-CV-00754-WHO

18 Plaintiff,

**STIPULATION AND ORDER TO
CONTINUE CASE DEADLINES**

19 v.

Date: N/A
Time: N/A
Courtroom: 02, 17th Floor
Judge: Hon. William H. Orrick
450 Golden Gate Avenue
San Francisco, CA

20 ARXAN TECHNOLOGIES, INC.,

21 Defendant.

22 ARXAN TECHNOLOGIES, INC.,

23 Counter-Claimant,

24 v.

25 WHITECRYPTION CORPORATION; and
26 INTERTRUST TECHNOLOGIES
CORPORATION

27 Counter-Defendants.

1 Plaintiff and cross-defendants whiteCryption Corporation (“whiteCryption”) and Intertrust
 2 Technologies Corporation (“Intertrust”) and defendant and counterclaimant Arxan Technologies,
 3 Inc. (“Arxan”) stipulate and agree as follows:

4 1. On February 18, 2015, whiteCryption initiated the above-captioned action against
 5 Arxan.

6 2. Arxan answered and counterclaimed against whiteCryption and Intertrust on April
 7 10, 2015.

8 3. Between May and June 2015, the parties engaged in motion practice regarding the
 9 counterclaims, and on June 18, 2015, the Court granted Intertrust’s motion to dismiss with leave to
 10 amend.

11 4. On June 17, 2015, the Court issued a Civil Pretrial Order setting the deadlines in
 12 this action. ECF No. 35. The Court later ordered the parties to a settlement conference with a
 13 magistrate judge and modified the case schedule to accommodate a first phase of document
 14 discovery prior to the settlement conference. *See* ECF. Nos. 42-45.

15 5. On January 5, 2016, the parties’ participated in a settlement conference with a
 16 magistrate judge, which did not result in settlement. ECF No. 46.

17 6. On February 17, 2016, whiteCryption filed its first amended complaint and Arxan
 18 filed its first amended counterclaims. ECF Nos. 51-52.

19 7. On March 22, 2016, whiteCryption and Intertrust moved to dismiss the first
 20 amended counterclaims (ECF No. 66), and on June 15, 2016 the Court granted in part and denied
 21 in part the motion without leave to amend (ECF No. 89).

22 8. The parties have engaged in extensive discovery, collectively producing hundreds
 23 of thousands of documents and approximately 20 depositions will be taken, two of which are
 24 scheduled to take place after the close of fact discovery.¹ Based on the document productions and
 25 scheduling issues, the first deposition did not occur until June 16, 2016.

26 ¹ whiteCryption will take the deposition of Google at a mutually agreeable date after Google
 27 produces the documents the Court ordered it to produce. *See* Dkt. No. 101. whiteCryption will
 28 take the deposition of a former Arxan employee on July 21, 2016 by agreement of the parties. The
 deposition was planned for July 8, but the deponent has a family emergency, which necessitated a
 rescheduling with no available alternative before the July 15, 2016 fact discovery deadline.

9. Due to the large volume of documents produced in this case and the number and the schedule of depositions, the parties both require additional time to prepare and produce meaningful expert reports without seeking leave for supplementing them. Moving the expert disclosure deadline triggers a need to reschedule the deadlines that follow expert disclosures. Further, all parties anticipate filing motions for summary judgment or summary adjudication, which the parties believe is good cause to extend the briefing and hearing schedule for such motions.

10. The parties previously requested one extension of the deadlines in the Civil Pretrial Order on December 18, 2015, which was granted on December 21, 2015. ECF No. 45

11. The parties realize that changing a case schedule is highly dependent upon the Court's schedule, including the Court's availability to hear dispositive motions, conduct pretrial conferences, and conduct trials. The parties welcome a telephonic case management conference to discuss alternatives to the schedule they are proposing.

Therefore, the parties stipulate and agree, subject to the Court's approval, that deadlines for expert discovery and the deadlines that follow it be set as follows:

	Current Deadline	Proposed Deadline
Expert disclosure	July 29, 2016	August 29, 2016
Expert rebuttal	August 22, 2016	September 22, 2016
Expert discovery cutoff	September 12, 2016	October 12, 2016
Dispositive motion filing deadline	none	October 19, 2016
Oppositions to dispositive motions due	none	November 10, 2016
Replies in support of dispositive motions due	none	November 23, 2016
Dispositive motions heard by	November 9, 2016	December 7, 2016
Pretrial Conference	January 23, 2017 at 2:00 p.m.	February 20, 2017 at 2:00 p.m.
Trial (jury)	February 27, 2017 at 8:30 a.m.	March 27, 2017 at 8:30 a.m.

Respectfully submitted,

Dated: July 5, 2016

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21 ARXAN TECHNOLOGIES, INC.

22 Respectfully submitted,

23 Dated: July 5, 2016

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41 Attorneys for Plaintiff/Counter-Defendants:
42 WHTIECRYPTION CORPORATION AND INTERTRUST
43 TECHNOLOGIES, CORPORATION

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2 **PURSUANT TO STIPULATION, IT IS SO ORDERED except as modified below:**

3 **Pre-trial conference: February 27, 2017 at 2:00 p.m.**

4 **Trial: April 3, 2017 at 8:30 a.m.**

5 Dated: July 6, 2016



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7 HON. WILLIAM H. ORRICK
8 UNITED STATES DISTRICT COURT JUDGE
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